

Message Text

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ACTION NEA-11

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-01
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TO SECSTATE WASHDC 7481
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AMCONSUL KARACHI
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AMEMBASSY TEHRAN
CINCPAC

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CINCPAC FOR POLAD

E.O. 11652: N/A
TAGS: PINT, PK
SUBJECT: BHUTTO APPEAL ENDS SECOND WEEK

REF: (A) ISLAMABAD 5191 (B) ISLAMABAD 5018

1. SUMMARY: THE PAKISTAN SUPREME COURT COMPLETED ITS SECOND WEEK OF HEARINGS MAY 31 ON FORMER PM BHUTTO'S APPEAL OF HIS MURDER CONVICTION (REF A). BHUTTO'S COUNSEL CONTINUED TO QUESTION THE VERACITY OF THE STATE'S WITNESSES IN THE LAHORE
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TRIAL. THE COURT AGREED TO ADMIT NEW EVIDENCE AND ESTABLISHED PROCEDURES TO MOVE THE CASE MORE QUICKLY THROUGH ITS INITIAL STAGES. END SUMMARY.

2. THF FULL BENCH OF THE PAKISTAN SUPREME COURT, SITTING IN RAWALPINDI, COMPLETED ITS SECOND WEEK OF HEARINGS ON THE APPEAL OF FORMER PM BHUTTO AND HIS FOUR

ACCOMPLICES OF THEIR LAHORE HIGH COURT MURDER CONVICTION. THIS WEEK'S PROCEEDINGS WERE MORE MUNDANE THAN THE FIRST, MAINLY BECAUSE BHUTTO'S ATTORNEY, YAYHA BAKHTIAR, EASED OFF THE POLITICAL FIREWORKS AND CONCENTRATED ON READING THE TRIAL TRANSCRIPT INTO THE RECORD AS HE BUILDS HIS CLIENT'S DEFENSE.

3. HIGHLIGHTS OF THIS WEEK'S SESSIONS INCLUDED:

--BAKHTIAR'S CONTINUING ATTACK ON THE VERACITY OF THE STATE'S WITNESSES (APPROVERS), AND ON THE TESTIMONY OF AHMED RAZA KASURI, WHOSE FATHER WAS THE INNOCENT VICTIM OF THE ALLEGED ATTEMPT AT ASSASSINATION.

--THE COURT'S AGREEMENT ON TWO OCCASIONS TO ALLOW EVIDENCE WHICH HAD NOT BEEN USED IN THE ORIGINAL TRIAL TO BE INTRODUCED BY THE DEFENSE. ALTHOUGH THE PROSECUTION OBJECTED, THE CHIEF JUSTICE SAID THAT THE COURT'S GOAL WAS "TO SATISFY ITSELF THAT NO EVIDENCE ADMISSIBLE UNDER THE LAW IS SHUT OUT."

--THE COURT'S DIRECTION TO BAKHTIAR TO CUT DOWN ON THE AMOUNT OF EVIDENCE HE IS READING IN COURT SESSIONS AND TO SAVE HIS COMMENTS FOR HIS FULL ARGUMENT. THE COURT IS APPARENTLY CONCERNED THAT A COMPLETE ORAL REVIEW OF THE EVIDENCE, READ OUT LINE BY LINE, WOULD TAKE AN INORDINATE AMOUNT OF TIME AND WOULD DELAY MOVEMENT TO LIMITED OFFICIAL USE

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THE CONTENDING ARGUMENTS--THE REAL HEART OF THE MATTER.

4. EMBASSY LOCAL EMPLOYEE WHO ATTENDED THE TRIAL MAY 31 NOTES THAT FORMER FONMIN AZIZ AHMED IS STILL IN ATTENDANCE AT COURT. FSL TELLS US THAT, AT LEAST FOR THE PORTION OF THE CASE HE HEARD, THE PRESS ACCOUNTS OF THE COURT SESSIONS ARE ACCURATE AND COMPLETE.

5. THE APPEAL RESUMES JUNE 3.
HUMMEL

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